

REMARKS

The present application was filed on September 26, 2003 with claims 1 through 23. Claims 1 through 23 are presently pending in the above-identified patent application. Claims 1, 5, 8, 11, 15, and 18-20 are proposed to be amended herein.

5 In the Office Action, the Examiner objected to claims 8, 19, and 20 due to indicated informalities, and rejected claims 5 and 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1, 5, 6, 8-10, 11, 15, and 16 under 35 U.S.C. §102(b) as being anticipated by Wales et al. (United States Patent Number
10 6,088,344 B1; hereinafter Wales), rejected claims 2, 7, 12, 17, 18, and 20-23 under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan et al. (United States Patent Application Publication Number 2003/0026283; hereinafter Currivan), rejected claims 3, 4, 13, 14, and 19 under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan and further in view of Fukuhara (United States Patent Number 6,643,296; hereinafter Fukuhara).

15 The specification has been amended to correct typographical errors.

Formal Objections

Claims 8, 19, and 20 were objected to due to indicated informalities. Regarding claim 8, the Examiner asserts that the recitation "a wireless medium" seems to refer back to "wireless medium" in claim 1. Regarding claim 19, the Examiner asserts that the recitation "a
20 detected payload" seems to refer back to "payload."

Claims 8, 19, and 20 have been amended to address the Examiner's concerns and Applicants respectfully request that the cited objections be withdrawn.

Section 112 Rejections

25 Claims 5 and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 5, the Examiner asserts that the recitation "said medium access wireless communication device" is vague and indefinite because it is not

known whether the first or second wireless communication device is being referred to. Regarding claim 15, the Examiner asserts that the recitation "said monitoring step is activated after said method transmits data" is vague and indefinite because it is not known which part of the method transmits data.

5 Claims 5 and 12 have been amended to address the Examiner's concerns and Applicants respectfully request that the section 112 rejections be withdrawn.

Independent Claims 1, 11 and 18

10 Independent claims 1 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, and claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan. Regarding claim 1, the Examiner asserts that Wales discloses a collision detector that monitors a wireless medium for collision (col. 6, lines 29-38, and col. 7, lines 1-3).

15 Applicants note that independent claims 1, 11, and 18 have been amended to require *detecting a collision of an acknowledgement message*. (Support for this amendment can be found on page 2, line 26, to page 3, line 15, of the originally filed disclosure.) While the cited references disclose detecting the collision of *data messages*, no disclosure or suggestion could be found in the cited references of detecting a collision of an *acknowledgement message*. For example, Wales teaches that acknowledgements to the transmission of radio packets are sent *within time slots* (See, col. 6, lines 18-38.) Neither Wang nor Currivan nor Fukuhara, however,
20 disclose or suggest detecting the collision of an acknowledgement message.

 Thus, Wales, Currivan, and Fukuhara, alone or in combination, do not disclose or suggest detecting a collision of an acknowledgement message, as required by independent claims 1, 11, and 18, as amended.

Dependent Claims 2-10, 12-17 and 19-23

25 Dependent claims 5, 6, 8-10, 15, and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, claims 2, 7, 12, 17, and 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan, claims 3, 4, 13, 14, and 19 were rejected

under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan and further in view of Fukuhara

Claims 2-10, 12-17, and 19-23 are dependent on claims 1, 11, and 18, respectively, and are therefore patentably distinguished over Wales, Currivan, and Fukuhara, alone or in combination, because of their dependency from amended independent claims 1, 11, and 18 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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